

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
Beckley Division

MICHAEL HAMBRICK and
CHERYL HAMBRICK, his wife,

Plaintiffs,

v.

CIVIL ACTION NO. 5:12-9767

LOWE'S HOME CENTERS, INC.,
A North Carolina corporation,

Defendant.

AGREED DISMISSAL ORDER

Plaintiffs, Michael Hambrick and Cheryl Hambrick, by counsel, and Lowe's Home Centers, Inc., by counsel, jointly announce to the Court that all matters and differences between these parties have been fully settled, compromised, and adjusted.

1. Plaintiffs, Michael Hambrick and Cheryl Hambrick, have agreed to voluntarily dismiss with prejudice all claims against Lowe's Home Centers, Inc.

2. The parties specifically acknowledge and represent that the compromise and settlement of claims is intended to represent a good faith settlement under West Virginia law and serves to extinguish any and all claims any joint tortfeasor may have against the other. *Hager v. Marshall*, 202 W.Va. 577, 505 S.E.2d 640 (1998); *Dunn v. Kan. County Bd. of Ed.*, 194 W.Va. 40, 459 S.E.2d 151 (1995). The Court accepts and adopts such acknowledgment and representation.


3. The parties agree that this dismissal order has no effect on any Workers' Compensation claim filed by Plaintiff.

4. Each party shall pay their own fees, costs, and expenses incurred in presenting their claims and/or defenses.

Accordingly, it is hereby **ORDERED, ADJUDGED** and **DECREED** that all claims asserted between the above-mentioned parties in this action are hereby dismissed, **with prejudice**, and these claims are to be stricken from the docket of this Court.

The Court hereby **ORDERS** that copies of this Order be sent to all counsel of record.

ENTERED this Fl o@ day of ACE * ~ • c, 2013.


IRENE C. BERGER
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF WEST VIRGINIA

PREPARED BY:

APPROVED BY:

/s Joshua C. Dotson
William J. Hanna (WV Bar #5518)
Joshua C. Dotson (WV Bar #10862)
Flaherty Sensabaugh Bonasso PLLC
200 Capitol Street
P.O. Box 3843
Charleston, WV 25338-3843
Counsel for Lowe's Home Centers, Inc.

/s Dan R. Snuffer Jr. (w/ permission)
Brett J. Preston (WVSB # 5726)
C. Benjamin Salango (WVSB # 7790)
Dan R. Snuffer Jr. (WVSB # 9777)
PRESTON & SALANGO, PLLC
108 Capitol Street, Suite 300
Post Office Box 3084
Charleston, WV 25331

J. Kristofer Cormany (WVSB # 7665)
Cormany Law, P.L.L.C.
108 Capitol Street, Suite 202
Post Office Box 11827
Charleston, WV 25331
*Attorneys for Plaintiffs Michael Hambrick
and Cheryl Hambrick*